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7	
8	IN THE UNITED STATES DISTRICT COURT
9	FOR THE NORTHERN DISTRICT OF CALIFORNIA
10	•
11	UNITED STATES OF AMERICA, ) No. CR-06-0172 CRB
12	Plaintiff, STIPULATION AND [PROPOSED]
13	) ORDER CONTINUING MOTIONS v. HEARING AND EXCLUDING TIME
14	) UNDER THE SPEEDY TRIAL ACT ROBERT SMITH,
	)
15	Defendant. )
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17	On July 27, 2006, the parties in this matter appeared before the Court for a hearing on
18	defendant's motion to suppress. The Court denied the motion as moot. Defense counsel advised
19	the Court that Mr. Smith may file additional motions and requested a hearing date of September
20	13, 2006. Counsel further advised the Court that the parties intend to discuss a possible
21	resolution to the case and will notify the Court if such a resolution is reached.
22	The parties are presently attempting to negotiate a pretrial resolution of the matter and
23	jointly seek additional time to determine whether such a resolution can be reached. Accordingly,

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time between September 13, 2006 and September 27, 2006 should be excluded under the Speedy

the parties agree and stipulate that the motions hearing presently scheduled for September 13,

2006 shall be continued to September 27, 2006. The parties further agree and stipulate that the

PAGE 02/02 10:17 5106373724 US ATTORNEYS OFFICE \*08/28/2006 09:07 08-28-06 From-FEDERAL PUBLIC DEFENDER +4154367366 T-971 P.003/003 F=911 Trial Act. The parties agree that the requested continuance is appropriate in light of the need for 1 defense counsel to conduct further investigation in preparation for the filing of additional 2 motions in the event that settlement negotiations are not productive. 3 IT IS SO STIPULATED. 4 8/23/06 Dated: 5 I. PORTM Federal Public Defender б JOSH COHEN Assistant Federal Public Defender 7 8 Dated: 8 28 0 6 VIN V. RÝA 9 United States Attorne MICHELLE MORGAN-KELLY 10 Assistant United States Attorney 11 12 13 ORDER 14 Accordingly, and for good cause shown, the Court orders that the motions hearing 15 presently scheduled for September 13, 2006 shall be continued to September 27, 2006 at 2:15 16 The Court further orders that the time from September 13, 2006 through September 27, 17 2006 shall be excluded under the Speedy Trial Act. The Court finds that the ends of justice 18 served by granting the requested continuance outweigh the best interest of the public and the 19 defendant in a speedy trial. This finding is based on the Court's determination that the failure to 20 grant the continuance would deny the defendant the reasonable time necessary for effective 21 preparation of his defense, taking into account the exercise of due diligence. 22 3161(h)(8)(A) & (B)(iv). 23 IT IS SO ORDERED. IT IS SO ORDERED 24 25 **Dated:** August 29, 2006 Judge Charles R. Breyer UNITED 26 2 CR 06-0172 CRB; STIP TO CONTINUE

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